IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE EIGHTEENTH DAY OF AUGUST
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE M.VENKATESWARA REDDY

WRIT PETITION No.15888 OF 2005

BETWEEN:

N.Janardhana Rao, S/o.Sri N.Kutumba Rao,

Aged about 44 years, Occ: Dy.General Manager

(Planning), R/o.Kavadiguda, Hyderabad.

..... PETITIONER

AND

Government of India, rep. By Secretary,

Dept. of Telecommunications, Sanchar Bhavan,

Ashoka Road, New Delhi, and others.

.....RESPONDENTS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

O R D E R

(Per Sri Justice J.Chelameswar)

This writ petition is filed with a prayer as follows:

> "... Hon'ble Court may be pleased to issue a writ, order or direction, more in the nature of writ of Certiorari, calling for the records in O.A.315/2005, on the file of the Central Administrative Tribunal, Hyderabad Bench, Hyderabad, and set aside the order of the Central Administrative Tribunal of Hyderabad Bench, Hyderabad, in the last paragraph to stay the proceedings before UPSC regarding promotion from the cadre of JAG of ITS Group-I officers to the post of SAG as being wholly illegal, unwarranted and unsustainable, and consequently direct the respondents 1 to 3 herein to complete the exercise within the time frame, and ....."

The petitioner herein was the 4th respondent in O.A.No.315 of 2005. By an order dated 04.07.2005 the Central Administrative Tribunal, Hyderabad Bench disposed of the said O.A. with certain directions. The relevant portion of the order reads as follows:

> " The respondents 1 & 2 are directed to consider the case of the applicant and similarly situated persons in respect of the issue of treating the adhoc service of the applicant and similarly situated persons in the grade of JAG from the initial appointment on adhoc basis in the said cadre which in the case of the applicant is September 1997 in which grade the applicant was regularized with effect from 26.12.2002 and the said adhoc promotion had continued without any break, so as to treat the service in the said grade as regular from the date of adhoc appointment. In case the respondents 1 & 2 decide this issue in the negative, the said respondents shall consider the question of relaxation in the case of the applicant and the similarly situated persons under rule 13 of the said Rules. The respondents shall decide the said question within a period of one month from the receipt of the copy of the order by passing a speaking and reasoned order and communicate the same to the applicant and respondent No.4 and place the same on notice board. Till such decision is taken and communicated to Applicant and respondent No.4, the stay relating to proceedings before UPSC shall continue. In case the applicant and respondent No.4 are aggrieved after the respondents 1 & 2 take the decision as directed above, they are free to seek remedies available to them in law. The application is disposed of in the aforesaid terms with no order as to costs. The MA No.255/05 for vacating stay stands disposed of accordingly. The matter be placed on board after one month for reporting compliance by respondents 1 & 2."

As can be seen from the above order, the official respondents were directed to consider the case of the 4th respondent herein (applicant in the O.A.) and examine the legal feasibility of the issue, treating the adhoc service of the applicant (4th respondent herein) in the grade of JAG from the initial appointment on adhoc basis etc. However, pending such consideration, the Tribunal directed that further proceedings of the UPSC shall remain stayed.

Today, when the matter is taken up, proceedings of the Government of India-1st respondent herein dated 8th August, 2005 are placed before the Court under which the claim of the 4th respondent herein was considered and rejected by the 1st respondent.

In the circumstances, nothing survives in the writ petition, as already noticed, the direction

against the UPSC not to proceed further with the promotions was only a direction limited by time pending a final decision on the claim of the 4th respondent. Since such final decision was taken by the 1st respondent rejecting the claim of the 4th respondent herein, we do not see any reason to examine the matter any further.

The writ petition is therefore disposed of at the stage of admission itself.

JUSTICE J.CHELAMESWAR

JUSTICE M.VENKATESWARA REDDY

18TH August, 2005

PGS

THE HON'BLE MR JUSTICE

J.CHELAMESWAR

AND
THE HON'BLE MR JUSTICE

M.VENKATESWARA REDDY

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WRIT PETITION No.15888 OF 2005

(Per Sri Justice J.Chelameswar)

18TH August, 2005